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**UNITED STATES DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 0609

FILED

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA

) Magistrate Docket No. \_\_\_\_\_

Plaintiff

v.

Heriberto VERDUZCO

AKA: Rafael OLVERA

Defendant

) COMPLAINT FOR

) VIOLATION OF:

) TITLE 18 U.S.C. § 1542

) False Statement in Application and Use

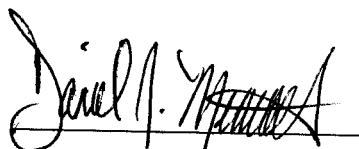
) of Passport

The undersigned complainant, being duly sworn, states:

Count 1

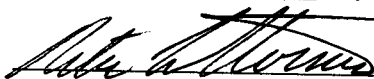
On or about October 18, 2006, within the Southern District of California, defendant Heriberto VERDUZCO (aka Rafael OLVERA) did knowingly and willfully make a false statement in an application for a passport with the intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of such passports, to wit: completed a passport application (DS-11), in which he claimed to be Rafael OLVERA, born in Los Angeles, CA, on 11/20/1961, knowing full well that he in fact was not, in violation of Title 18, United States Code, Section 1542.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Daniel J. Messelt  
Special Agent  
U.S. Department of State  
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 29<sup>th</sup> day of Feb., 2008.


UNITED STATES MAGISTRATE JUDGE

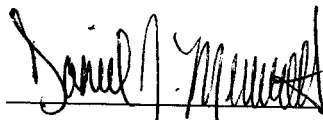
**PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS**

I, Daniel John Messelt, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for nine years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Heriberto VERDUZCO (aka: Rafael OLVERA), made false statements in the application of a passport. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1542, False Statement in Application and Use of Passport.
3. On 09/24/2007, I received and reviewed an investigative file, case number PF-2007-01319, maintained by the Diplomatic Security Service, San Diego Resident Office (SDRO), which contained the following information:
4. On 10/18/2006, an individual identifying himself as Rafael OLVERA, executed a DS-11, Application for a U.S. Passport, #309267367, at the Chula Vista Post Office, Chula Vista, CA. As proof of identity, DEFENDANT presented California Drivers License #A7347201 in the name of Rafael OLVERA, date of birth (DOB) 11/20/1961. As proof of citizenship, DEFENDANT provided a State of California Certificate of Live Birth in the name of Rafael Robert OLVERA, DOB: 11/20/1961, place of birth (POB) Los Angeles, CA. The individual claiming to be Rafael OLVERA swore an oath before the Postal Clerk authorized to accept passport applications, that all information on the passport application was true and correct, as evidenced by his signature.
5. On 01/18/2007, DEFENDANT was contacted by the Charleston Passport Center (CPC) who requested further documentation to confirm his identity. Following receipt of this supplemental information, the CPC referred application #309267367 for investigation on 03/12/2007, based on various fraud indicators, insufficient proof of identity, and DEFENDANT's lack of family knowledge.
6. On 02/25/2008, DEFENDANT responded to a letter sent by Affiant, requesting that he contact him regarding his passport application. DEFENDANT was advised to come to the SDRO, and to bring documentation affirming his identity.
7. On 02/28/2008, at approximately 0945 hours, DEFENDANT was interviewed at the SDRO by Affiant and SA Bruce Palombo pursuant to the adjudication of his passport application. DEFENDANT stated that he was indeed Rafael OLVERA. When asked if had ever used any other names however, he stated that one time he had used the name Heriberto VERDUZCO, which he claimed was a friend's name. When questioned further by Affiant and SA Palombo regarding this name, DEFENDANT confessed that Heriberto VERDUZCO was in fact his true name. DEFENDANT was then read his Miranda Rights by Affiant. DEFENDANT was provided a written copy of these rights which he indicated he read and understood. At 1045 hours, DEFENDANT signed a waiver of these rights.

8. Upon further questioning, DEFENDANT stated that he had obtained a hospital birth record in the name of Rafael OLVERA from a friend in Los Angeles in 1989. He further stated that he had used this birth record to obtain a California Certificate of Birth in the same name. He subsequently obtained a California driver's license and a social security number for the OLVERA identity. DEFENDANT stated that his true name was Heriberto VERDUZCO, DOB: 08/02/1963, POB: Tijuana, Mexico. DEFENDANT admitted that he had executed passport application #309267367, on or about 10/18/2006, in the name of Rafael OLVERA, and that it was his photo and signature on the application. DEFENDANT made an oral and written confession as to his true identity and to the elements of the charge.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the DEFENDANT named on this probable cause statement committed the offense on or about 10/18/2006 in violation of Title 18, United States Code, Section 1542: False Statement in Application and Use of Passport, when he knowingly and willfully applied for a passport under the identity of Rafael OLVERA, knowing full well that he in fact was not.



Daniel J. Messelt  
Special Agent  
U.S. Department of State  
Diplomatic Security Service